IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS WESTERN DIVISION

| Tammy Barker, Timothy Robert Barker, and |) |
|--|----------------------------|
| Melisa Merryman, on behalf of themselves |) |
| and on behalf of those similarly situated, |) |
| |) |
| Plaintiffs, |) Case No. 08 C 50015 |
| |) |
| V. |) Judge Kapala |
| |) Magistrate Judge Mahoney |
| Local 150, International Union of |) |
| Operating Engineers, AFL-CIO, |) Trial by Jury Demanded |
| |) |
| Defendant. |) |

AFFIDAVIT OF DAN JERGER

DAN JERGER, being duly sworn, deposes and states under oath as follows:

- 1. My name is **DAN JERGER**. I am of legal age. I have personal knowledge of the facts contained in this affidavit and if called as a witness, I am competent to testify thereto.
- 2. This affidavit does not contain all of the facts that I know or believe about this matter, but is directed to those facts that are referenced herein.
- 3. I am currently employed by Quest Consultants International, Ltd., a private investigation firm licensed by the State of Illinois. My position title is Vice President of Information Technology Consulting.
- 4. I received a sealed package that contained two compact discs (collectively, the "Subject CDs").
- 5. The first of the Subject CDs (hereinafter, "CD1") is labeled "Vehicle Services / Secretary of State / Passenger / Fall Listing 04-05 / ISSUED OCT 04".



- 6. The second of the Subject CDs (hereinafter, "CD2") is labeled "Vehicle Services / Secretary of State / Calendar & Fiscal / Fall Listing 04-05 / ISSUED OCT 04".
- 7. Exhibit A to this Affidavit, which is 2 pages, is a photocopy of the Subject CDs, which accurately depicts the exterior of the Subject CDs.
- 8. CD1 contains a total of 8,332,432 records, with each record containing data fields for the following information:
 - a) "PLATE #"
 - b) "EXPIR" (a three-character month and two-character year, e.g. JUN05)
 - c) "REF #" (not all records contain a REF #)
 - d) "VEHICLE" (appears to contain manufacturers of motor vehicles, *e.g.* ACURA, CHEVROLET, SATURN)
 - e) "YR" (appears to be a two-digit year, e.g. 02, 97, 92)
 - f) "BS" (appears to be two characters, e.g. 4D, 2D, VN)
 - g) "V.I.N." (appears to be generally a 17 character alphanumeric string)
 - h) "*NAME, ADDRESS, AND ZIP CODE (* DENOTES MULTIPLE OWNER)"
 - i) "D.L.#" (not all records contain a D.L.#; generally appears to be a 12 character alphanumeric string)
 - i) an unnamed single character field without a header
- 9. CD2 contains a total of 3,293,989 records, with each record containing data fields for the following information:
 - a) "PLATE #"
 - b) "EXPIR" (a three-character month and two-character year, e.g. JUN05)
 - c) "REF #" (not all records contain a REF #)
 - d) "VEHICLE" (appears to contain manufacturers of motor vehicles, e.g. ACURA, CHEVROLET, SATURN)
 - e) "YR" (appears to be a two-digit year, e.g. 02, 97, 92)
 - f) "BS" (appears to be two characters, e.g. 4D, 2D, VN)

- g) "V.I.N." (appears to be generally a 17 character alphanumeric string)
- h) "*NAME, ADDRESS, AND ZIP CODE (* DENOTES MULTIPLE OWNER)"
- i) "D.L.#" (not all records contain a D.L.#; generally appears to be a 12 character alphanumeric string)
- j) an unnamed single character field without a header
- 10. Exhibit B to this Affidavit, which is 1 page, is a document depicting a sample output from CD1 which I captured on or about August 18, 2008, which truly and accurately depicted my computer screen at the time ("screen capture") when I was running the software on CD1.
- 11. Exhibit C to this Affidavit, which is 2 pages, is a document depicting a sample output from CD2 which I captured on or about August 18, 2008, which truly and accurately depicted my computer screens at the time ("screen captures") when I was running the software on CD2.
- 12. Group Exhibit D to this Affidavit contains four pages depicting the sequence of steps to initiate a license plate search which I captured on or about August 18, 2008, which truly and accurately depicted my computer screens at the time ("screen captures") when I was running the software on CD1.
- 13. Group Exhibit E to this Affidavit contains eight pages depicting the sequence of steps to initiate a license plate search which I captured on or about August 18, 2008, which truly and accurately depicted my computer screens at the time ("screen captures") when I was running the software on CD2.
- 14. According to the information contained on the Subject CDs, the software embedded on the Subject CDs is developed by DatagraphiX, a business unit of Anacomp Inc., and is named "InfoLife". Exhibit F to this Affidavit, which is 2 pages, is a document that I



captured on or about August 18, 2008, which contains application information menu output from both CD1 and CD2 and which accurately depicts my computer screens at the time ("screen captures") when I was running the software on CD1 and CD2.

15. Exhibit G to this Affidavit, which is 3 pages, depicts the results of searches for license plates "4479401", "D566769", and "MRYMAN", respectively, which I captured on or about August 20, 2008, which truly and accurately depicted my computer screens at the time ("screen captures") when I was running the software on CD1.

FURTHER AFFIANT SAYETH NAUGHT.

Dated: August 22, 2008

DAN JERGER

Subscribed and sworn to before me this 22nd day of August, 2008.

"OFFICIAL SEAL" Nicolas Lucio Notary Public, State of Illinois

My Commission Expires June 23, 2009

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